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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/506,372	05/23/2005	Pio Torre Flores	10191/3800	1199
26646 7590 04/24/2008 KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004				
EXAMINER				
HELLNER, MARK				
ART UNIT		PAPER NUMBER		
3663				
MAIL DATE		DELIVERY MODE		
04/24/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/506,372

**Applicant(s)**

FLORES ET AL.

**Examiner**

Mark Hellner

**Art Unit**

3663

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 16-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 25 and 26 is/are allowed.
- 6) ☒ Claim(s) 16-24 and 27-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/S5108)  
Paper No(s)/Mail Date 10/1/2004
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 16-24 and 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pena-Nieves et al.

Pena-Nieves et al disclose a computer based system for determining the defect rate or probability in manufactured systems, the determination including recording reliability data, making unreliability plots from the data, and obtaining Weibull distribution parameters in order to allow the user to identify changes that could impact the reliability of the product produced.

The operation of this system reads on the method steps disclosed by claims 16-24 and 27-30.

The difference between Pena-Nieves et al and the claims under rejection is the use of their system to do a safety analysis in a system of a motor vehicle that includes a plurality of components linked by communication relationships, the components and the communication relationships forming a functional structure.

It was well known at the time of the present application that motor vehicle safety systems include multiple components in a functional relationship and that one failed part could lead to failure of the system, taken as a whole.

It would have been obvious to have used the quality control system of Pena-Nieves et al in the manufacture of components of automobile safety system in order to produce the desired result of guaranteeing system reliability over the service life of the vehicle.

### ***Response to Arguments***

Applicant's arguments, see the amendment, filed 12/14/2007, with respect to claims 25 and 26 have been fully considered and are persuasive. The rejection of these claims has been withdrawn.

Claim 25 and 26 are allowed.

Applicant's arguments filed 12/14/2007 with respect to claims 16-24 and 27-30 have been fully considered but they are not persuasive.

The claim limitation reciting "determining limitations as a function of the functional structure" is taught by column 3, line 37 and column 4, line 1, which teach that the number of units failed, number of units passed and failure mode are measured.

The claim limitation reciting "analyzing error dependencies with respect to the functional structure" is taught by the statistical analysis of the error data shown by columns 5 and 6.

The difference between the claims and Pena-Nieves et al is the use of their error measuring system to improve the reliable manufacture of vehicle safety systems such as ABS.

It is logical to conclude that a failed component in an ABS system is unsafe.

As a result, manufacturers of ABS systems would have been motivated to seek out systems that guarantee reliability of all components, thus leading them to the teachings of Pena-Nieves et al.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Mark Hellner at telephone number 571 272 6981.

/Mark Hellner/

Primary Examiner, Art Unit 3663